

FILED

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Intel Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TRACY KINDER, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware  
corporation,

Defendant.

No. C-05-3273-MHP

**STIPULATION AND [PROPOSED]  
ORDER TO STAY DATES, EVENTS  
AND DEADLINES PENDING THE  
OUTCOME OF THE MOTION TO  
TRANSFER AND COORDINATE OR  
CONSOLIDATE PURSUANT TO  
28 U.S.C. § 1407**

WHEREAS, on August 10, 2005, Plaintiff filed the instant action in the Northern  
District of California ("Kinder Action");

WHEREAS, on or about July 11, 2005, the plaintiffs in *Brauch, et al. v. Intel  
Corp.*, No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the  
Judicial Panel on Multi-District Litigation ("MDL"), to transfer and coordinate or consolidate for  
pre-trial proceedings pursuant to 28 U.S.C. § 407 ("MDL Motion"), and the Kinder Action has  
been identified as a related action subject to that motion;

1 WHEREAS, on or about September 29, 2005, Judge Patel issued a Related Case  
 2 Order relating this case to an earlier filed case assigned to her, and canceling or staying certain  
 3 but not all dates, events and deadlines in the action;

4 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

5 WHEREAS, the outcome of the MDL Motion will impact significantly the  
 6 schedule of this case;

7 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,  
 8 by and among counsel for Plaintiff Kinder, and counsel for Defendant Intel Corporation, that any  
 9 events, dates or deadlines set by the Local Rules or Federal Rules of Civil Procedure, including  
 10 the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal Rules of  
 11 Civil Procedure 16 and 26, and any deadlines established in any case management order  
 12 applicable to this case should be stayed pending the outcome of the aforementioned MDL  
 13 Motion; and

14 IT IS FURTHER STIPULATED by the aforementioned parties that if a case  
 15 management conference is rescheduled by the Court, the parties shall adjust the dates for any  
 16 conference, disclosures or reports required by the Local Rules or Federal Rules of Civil  
 17 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26  
 18 accordingly.

19 IT IS HEREBY STIPULATED.

20 Dated: November 1, 2005

DRUMMOND & ASSOCIATES

21  
 22 By: /s/ Donald F. Drummond  
 23 Donald F. Drummond  
 24 Attorneys for Plaintiff  
 25 Tracy Kinder  
 26

1 Dated: November 1, 2005

BINGHAM McCUTCHEN LLP

3 By: /s/ Joy K. Fuyuno  
4 Joy K. Fuyuno  
5 Attorneys for Defendant  
Intel Corporation

6 **[PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES**  
7 **PENDING THE OUTCOME OF THE MDL MOTION**

8 Any events, dates or deadlines set by the Local Rules or Federal Rules of Civil  
9 Procedure, including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules")  
10 and Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case  
11 management order applicable to this case are hereby stayed pending the outcome of the motion  
12 to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion").

13 Upon the determination of the MDL Motion, if it is necessary for the Court to  
14 reschedule a case management conference, the parties shall adjust the dates for any conference,  
15 disclosures or reports required by the ADR Local Rules and Federal Rules of Civil Procedure 16  
16 and 26 accordingly.

17 The parties shall notify the Clerk of Court within 10 days of the decision on the  
18 MDL Motion.

19 **IT IS SO ORDERED.**

20 Dated: 11/7/05

21   
Honorable Marilyn H. Patel  
22 United States District Court Judge  
23  
24  
25  
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